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SUBJECT: INDONESIA ANTI-TRAFFICKING IN PERSONS (TIP)
REPORT, March 2005 to March 2006 (PART 3 OF 4)

GOI AGENCIES INVOLVED IN ANTI-TIP EFFORTS

Update

In January 2007, the National Agency for the Placement and Protection of Overseas Workers (BNP2TKI) was established. The agency tools over the Ministry of Manpower and Transmigration's responsibilities to protect migrant workers, such as facilitating labor export and providing legal protection. The agency was established under the 2004 Overseas Labor Placement and Protection Law and was placed directly under the President's jurisdiction. The law also requires the government and the new agency to supply workers only to countries that have labor agreements with Indonesia. With this new body, the directorate general for placement and protection of Indonesian migrant workers will be abolished. Through this same decree, GOI will decentralize Migrant Holding Centers to the district level which will benefit migrant workers because it will reduce the cost of travel to the centers, facilitate monitoring of the centers and reduce the potential for manipulation of the documents. Social controls of abuses at the local levels are believed to be stronger. The new body will not start operating until later in 2007, but coordination meetings between police, immigration, manpower and other agencies that will assign special personnel to the agency have begun.

In late 2006 the Indonesian Embassy in Kuala Lumpur, Malaysia established a medical clinic in its shelter. The Embassy now has two doctors on call to provide basic medical services to stranded migrants there, regardless of whether they are victims of trafficking. Now, each stranded migrant worker at the embassy is entitled to a free medical check up and treatment which the embassy pays for in full. Apart from that, exit documents needed for victims of trafficking to leave Kuala Lumpur are obtained

more quickly than in the past. Previous victims would be at the shelter for well over year and this has been cut back to a few months. The Indonesian consulates (Penang, Johor Baru, Kuching, Kota Kinabalu) and the Embassy are actively screening all migrants for victims of trafficking. The staff is using the IOMQs screening form (based on UN definition of trafficking). Once migrants are identified as victims of trafficking, they are immediately referred to IOM for assistance.

The Ministry began drawing up a plan to revise its Standard Operating Procedures (SOP) for the return and the reintegration of trafficked persons for the next five-year period, beginning in 2008.

The Witness Protection Bill was enacted in August, 2006, a measure that will allow victims to testify through videotape and other means, which once implemented should increase prosecutorsQ ability to obtain convictions.

Local government agencies, for the most part operating autonomously from central ministries, also played roles in anti-trafficking. The number of provinces with established anti-trafficking committees or task forces increased from 12 in 2005 to 17 in 2006 (out of 33 provinces), as follows: Bali, Central Java, East Java, East Kalimantan, East Nusa Tenggara, Jakarta, North Sulawesi, North Sumatra, West Java, West Kalimantan, West Nusa Tenggara, Riau and Yogyakarta. At least 14 district-level task forces also operated within 8 provinces: Bali (Buleleng), Central Java (Cilicap), East Java (Tulungagung, Malang, Ponorogo, Blitar, Banyuwangi), Riau (Dumai), Riau Island (Tanjung Balai Karimun), West Java (Indramayu, Bandung, Bekasi), West Kalimantan (Sambas), and West Nusa Tenggara (Sumbawa).

The effectiveness of the various committees and task forces varied considerably, and some failed to function adequately. End update.

Many government agencies at national and sub-national levels carried out anti-trafficking efforts, some in a substantive way and others only superficially. The People's Welfare Coordinating Ministry is the senior most executive body responsible for TIP. In 2002, the President identified the Women's Ministry as the focal point for anti-trafficking efforts, particularly those concerning women and children. Both the Coordinating Ministry and the Women's Ministry actively engaged on TIP throughout the year. Several deputy ministers from both ministries devoted themselves on an almost full-time basis to anti-trafficking activities.

The People's Welfare Coordinating Ministry and the Women's Ministry lead the GOI's National Anti-Trafficking Task Force, which has formal responsibility for the National Action Plan to Eliminate Trafficking in Persons. This body includes 12 other GOI agencies (as well as NGOs and civil society representatives):

- Home Affairs Ministry
- Foreign Affairs Ministry
- Religious Affairs Ministry
- Law and Human Rights Ministry
- Manpower and Transmigration Ministry
- Social Affairs Ministry
- Health Ministry
- Education Ministry
- Tourism and Culture Ministry
- Communications Ministry
- The National Police (POLRI)
- The National Statistics Bureau

The National Task Force has met four times and has had limited success as a coordinating body, and less success in generating concrete actions. In part, this reflects the relative powerlessness of the Women's Ministry within the national government, and the fact that neither the People's Welfare Coordinating Ministry nor the Women's Ministry has

much operational authority. However, interagency coordination generally is weak or nonexistent everywhere in the government on almost all issues.

GOI ANTI-TIP CAMPAIGNS

Update

The Ministry of Women's Empowerment signed an MOU with Media Net for an anti-trafficking campaign through radio community in West Java. The campaign was broadcast through Farmers Voice Radio Network. GOI also broadcast a national PSA on television and radio, and distributed anti-TIP educational materials. End update.

During this period, the GOI and NGOs continued anti-trafficking information and education initiatives, which were limited in scope and budget, but did raise awareness among the Indonesian public. GOI-sponsored public awareness campaigns included television, radio and print media, and commonly featured senior officials. Indonesia's National Spokesperson on Trafficking, television personality Dewi Hughes, continued public awareness engagements in numerous media events that highlighted the human cost of trafficking, sought to warn potential victims, and lobbied for the passage of the anti-trafficking bill.

In 2005-2006, the Women's Ministry conducted awareness-raising efforts in 16 provinces. In late 2005, the Women's Ministry sponsored a televised PSA on private national television stations, with viewing audiences in the millions of viewers. The television PSA, the first-ever related to trafficking, ran for approximately one month. The PSA depicted a rural girl who, with the promise of a lucrative job, is trafficked into prostitution in a big Indonesian city. Manpower Ministry included information on the risk of trafficking, and other abuses, during mandatory training of out-going migrant workers. The Manpower Ministry also launched pilot projects in four sub-districts (two in West Java, one in Central Java, one in West Nusa Tenggara) involving activists who reach out to their communities to raise awareness about trafficking and safe migration.

Some local governments, such as in North Sulawesi, East Java, and Batam, also conducted education campaigns. The National Education Ministry incorporated anti-trafficking materials in some of its training activities. The Ministry distributed anti-trafficking education kits to 150 administrators responsible for the country's out of school education services. The National Education Ministry also funded a local NGO project to assist radio stations in West Java with the creation and airing of anti-trafficking PSAs.

NGOs remained the most active groups conducting anti-trafficking campaigns in some areas. For example, in Surabaya, East Java, NGOs held discussions in prostitution complexes, sponsored university workshops, conducted campaigns in bus and railway stations, and distributed brochures and posters.

There were few efforts that focused on reducing demand for trafficking. Limited public education material in Bali and Batam, aimed at stopping child sex tourism, contained messages for potential clients of prostitutes.

The GOI efforts contributed to increasing public understanding of the seriousness of the trafficking problem, but GOI agencies responsible for combating trafficking did not have funds to conduct extensive, national education efforts. The national TIP Task Force called for expanded awareness-raising campaigns.

Media coverage of trafficking, both domestic and international, expanded over recent years. National television, radio and print media, and local newspapers

routinely covered TIP issues. Investigative journalism shows highlighted the crime. Migrant workers who had become trafficking victims, Indonesian prostitutes in Malaysia and the Middle East, domestic servants in Saudi Arabia, and child prostitutes were among topics that received significant coverage.

Indonesia's national Scouts organization, which has near universal representation in public schools, continued and expanded its anti-trafficking education campaign in West Java. The on-going campaign targets 25,000 students in 116 schools in 2006. Some Islamic organizations, including Muslim boarding schools (pesantren) began to take a more active role in anti-trafficking awareness-raising in parts of West Java, East Java, and Aceh. In West Java, the Fahmina Institute and the pesantren of Kyai Husein Muhammad engaged in active anti-trafficking efforts focused on the Muslim community.

GOI SUPPORT TO OTHER PREVENTION PROGRAMS

The GOI supported and administered other national programs related to the prevention of trafficking, but not designed specifically as anti-trafficking efforts. These programs

commonly faced serious constraints in terms of GOI limited funds, institutional capacity, and corruption. Some of the more relevant programs were:

-- A program to encourage free basic public education through the first nine years of schooling, including subsidies for students from poor families. A number of districts announced their achievement of free public schooling.

-- School Subsidy Operation providing a subsidy to poor people who were directly affected by the policy to increase the price of oil.

-- A program to encourage birth registrations, coupled with a law that mandates government offices to provide birth certificates free of charge. At least 21 local governments began free provision of birth certificates.

-- A national program to eliminate gender inequality in education.

-- Programs to train female migrant workers.

-- Credit schemes for micro-, small- and medium-sized businesses, some of which focused on women.

-- Revolving credit schemes for cooperatives and savings and loan associations.

-- Various cooperative efforts with NGOs to assist women from poor families.

RELATIONSHIP BETWEEN GOI, NGOS AND OTHER ELEMENTS

The overall relationship between relevant GOI offices and NGOs remained cooperative and mutually supportive on TIP-related issues. Cooperation varied from agency to agency and location to location. The GOI recognized the importance of NGO expertise, networks and involvement. NGOs met regularly with officials and participated in national and local task forces. The GOI and NGOs collaborated on many TIP initiatives, including in protection of victims, public awareness raising, and in providing assistance to law enforcement officials in investigations and prosecutions. The police and NGOs continued to share information on trafficking, although mutual suspicions between NGOs and police sometimes prevented their cooperation.

In East Java, the province's Child Protection Commission,

police, city authorities, and NGO representatives in May 2005 launched a network to monitor and prevent trafficking of children into prostitution. The network monitors brothels and reports to the social services office and police if a brothel employs a child prostitute.

The DPR invited NGOs and other civil society groups to participate in hearings on the pending anti-trafficking bill. Women's groups worked with the GOI and DPR members to garner political support for the bill's passage.

MONITORING OF IMMIGRATION/EMIGRATION

Update

The Directorate of Immigration, under a new Director General who has made stopping trafficking a top priority, particularly of children, has begun training immigration officers on trafficking awareness. Immigration has begun

efforts to stop trafficking of under-18 persons at international transit points with some anecdotal evidence of good early results in late 2006. The implementation of bio-metric passports should help immigration officials to stop trafficking of girls as well, since false documents is one primary way to prevent this. Secondly, immigration officers have been trained that allowing girls to go abroad to work is not helping them to find jobs but rather is contributing to their exploitation by being trafficked, a concept not taught before. Finally, immigration, police, prosecutors and judges from migrant worker transit areas were trained together in late 2006 by IOM, a coordinated effort that officials from these offices praised as heightening awareness and cooperation. A recent DOJ visit to some remote border areas in Kalimantan revealed that immigration officials in even the most isolated posts were aware and concerned about trafficking, although they have few resources to police a long and porous border.

The Transnational Crime Center (TNCC), which includes trafficking as one focus, began to aggressively tackle trafficking this year, with nearly half of the TNCCQs 21 cases in 2006 related to trafficking, exceeding even the number of anti-terrorism cases handled, an indication of the importance the GOI has given to this crime. This is even more impressive given that the TNCC did not get off the ground until July 2006. End update.

While efforts to increase passport integrity began, Indonesia's passport services, like most other government services, remained the object of widespread corruption. Indonesians are able to easily obtain passports in false and multiple identities. The lack of computerized nationwide passport and immigration records facilitated the work of traffickers, and made it difficult to check whether potential trafficking victims have left Indonesia. Recruitment agencies routinely falsified birth dates, including for children, in order to apply for passports and migrant worker documents.

The GOI, by its own admission, could not adequately monitor its borders due to the vast size of the country (stretching some three thousand miles east-west encompassing 17,000 islands), its tens of thousands of miles of coastline, and its limited naval and border patrol units. While the GOI increased controls and oversight at some border points in response to concerns over terrorism and illegal migrant worker flows to Malaysia, border control in general remained very inadequate. Field reports from the Indonesia-Malaysia land border crossing points, such as Entikong, West Kalimantan, consistently described very loose and easily corrupted immigration controls.

The GOI did not effectively monitor immigration and emigration patterns for evidence of trafficking, with some limited exceptions in areas like the Riau Islands, where

from time to time police and immigration officials utilized immigration/emigration data to detect and act against trafficking rings. On the whole, however, immigration officials and law enforcement agencies did not have the equipment, capacity or tools to generate useful information, or did not prioritize such information.

COORDINATION AND COMMUNICATION MECHANISMS

Update

Indonesia hosted the international Bali Process ministerial on trafficking victim support in November 2006.

Indonesia also signed the ASEAN Declaration on the

Protection and Promotion of the Rights and of Migrant Workers, committing itself to an extensive list of protections. End update.

At the national level, the Women's Ministry served as the focal point for GOI actions on TIP. The People's Welfare Coordinating Ministry, which includes the Women's Ministry under its umbrella, also played a key role in coordinating efforts across different agencies. The National Action Plan to eliminate trafficking created a Task Force led by the People's Welfare Coordinating Minister and the Women's Minister, and included some 28 government and law enforcement agencies, NGOs, and civil society groups (see above). Many provinces and a number of districts operated task forces for coordinating anti-trafficking efforts.

The GOI actively participated in multilateral and international coordination efforts to combat trafficking under UN, ASEAN and regional frameworks. As an example, the GOI hosted the ASEAN workshop on combating TIP in November 2005. The results for Indonesia of such multinational efforts have been mixed, in part because they often do not involve GOI agencies that are responsible for TIP and are knowledgeable about the issue. For example, the Bali Ministerial process appears to have had little discernable impact on GOI anti-trafficking efforts inside the country thus far.

NATIONAL PLANS OF ACTION

In 2002, then President Megawati approved three five-year national action plans related to trafficking, one each to eliminate the worst forms of child labor, to combat trafficking in women and children, and to eliminate the commercial sexual exploitation of children (CSEC). The People's Welfare Coordinating Ministry and the Women's Ministry led the development of the anti-trafficking action plan, beginning in March 2002. A number of NGOs and civil society groups actively joined in the drafting and discussion of the plans. NGOs and civil society groups sit on the steering committee for implementing the action plan. Following its adoption, the GOI has disseminated the action plans to GOI offices, provincial officials, NGOs and civil society groups, often through workshops, seminars and the travel of Jakarta officials to the provinces.

East Java Province approved a provincial action plan in 2005. Other provinces and districts also have developed action plans, including West Kalimantan.

The GOI has given responsibility for developing anti-trafficking programs to the National Anti-Trafficking Task Force, created by the National Action Plan, and led by the People's Welfare Coordinating Minister and the Women's Minister, which includes other government and law enforcement agencies, NGOs, and civil society groups (see above). Responsibility for provincial and district-level programs varies from location to location. A growing number of provinces and districts (26 in total) have their

own task forces or committees.

III. INVESTIGATION AND PROSECUTION OF TRAFFICKERS

UPDATE

The DPR completed the final draft of a comprehensive anti-trafficking bill in February 2007 and scheduled it for final consideration and hopefully passage for March 20. The government and the DPR strengthened the bill during the

final months, taking on board all the major suggestions from NGOs and the international community, including internationally accepted definitions of debt bondage and sexual exploitation, as well as clauses on trafficking of children and immunity of victims from prosecution.

Law enforcement against traffickers increased sharply in 2006 over 2005, with arrests up 29 percent from 110 to 142, prosecutions up 87 percent from 30 to 56, and convictions up 112 percent from 17 to 36. The average sentence in these cases was 54 months in prison compared to 30 months in 2005, a 55 percent increase. The longest sentence handed down by a court in 2006 in a trafficking case was fifteen years, under the Child Protection Act. These statistics were based on case descriptions given by the police and prosecutors national anti-trafficking officials, plus cases tracked by IOM, with a few cases tracked in the media that could be verified with authorities. No cases were counted that could not be verified to be actual trafficking cases; i.e., we did not count cases reported in the media which might have been illegal adoption cases but could not be verified.

In the 94 cases for which relevant information was available, police and prosecutors used the Child Protection Act against traffickers in 61 cases; the Penal Code in 47 cases; the Migrant Worker Protection Act in 32 cases.

Arrests and prosecutions should increase as the number of law enforcement officials assigned to trafficking continues to increase. In the last few months of 2006 alone, the anti-trafficking desk of the national police force expanded from 12 officers to 20. There are now 237 women's police units nationwide with 10 police officers each, focusing mainly on trafficking cases. Police trainers have gone to the provinces to conduct six training courses with 30-40 police at each course, and have done joint training with prosecutors.

One piece of anecdotal evidence of effectiveness was a testimonial from a police officer assigned to the Jakarta international airport, who said as a result of recent training, he has caught 18 cases of child trafficking and trafficking related to document fraud that he would not have caught before.

Further progress has been reported by the American consulates in Medan and Surabaya (see below) which are not included in the above statistics because we were unable to cross reference the cases to ensure we did not double count cases.

It is almost impossible for police, prosecutors and the courts to keep accurate statistics without an anti-trafficking law and a database (which will be years away given the state of computer and Internet technology in Indonesia). However, police made great efforts to keep and provide statistics and the prosecutors with the TNCC also made an effort, although gathering local prosecution and conviction statistics remains very difficult. End update.

EXISTING ANTI-TIP LAWS

Update:

The National Plan of Action encourages provincial and local governments to do their own anti-trafficking regulations and a number have done so. Notable are strong anti-trafficking or women and child protection laws which are local reactions to the trafficking problem and are being used vigorously. Some of these laws include:

- North Sulawesi with Regional Regulation No. 1 of 2004 on Prevention and Elimination of Trafficking of Women and Children;
- North Sumatra with Regional Regulation No. 6 of 2004 on Prevention and Elimination of Trafficking of Women and Children;
- Indramayu District with Local Regulation No. 14 of 2005 on Prevention and Prohibition of Trafficking for Child Commercial Sexual Exploitation;
- East Java Province with its Local Regulation No. 9 of 2005 on Provision of Protection for Women and Children Victims of Abuse; and
- Sumbawa District with its Local Regulation No. 11 of 2003 on Protection of Indonesian Overseas Workers originating from Sumbawa.

End update.

Current Indonesian law criminalizes trafficking in persons, although the country does not yet have comprehensive anti-trafficking legislation. Existing laws have important limitations, such as the lack of a clear legal definition of trafficking. The Penal Code's Article 297 stipulates that "trafficking of females (age not specified) and trafficking in underage males" constitute a criminal offense and provides for penalties. Law No. 30/1999 on Human Rights also asserts children's rights to enjoy protection against trafficking. The October 2002 Child Protection Act (Chapter 12) includes specific and serious penalties for child trafficking and related offenses. As pertains to trafficking, however, the act is general in nature and without a comprehensive definition of the crime. While the GOI can and did prosecute TIP cases under existing laws, including those for related criminal violations (e.g., rape, illegal confinement, abuse of women for immoral purposes, etc.), the lack of a comprehensive law with adequate legal definitions constitutes an impediment for law enforcement. Police and prosecutors have increasingly turned to the Child Protection Act, and its tougher sanctions, in cases of child trafficking. This trend continued over the past year, with at least 38 traffickers charged under the act.

At times, police and prosecutors used other sections of the Penal Code to jail traffickers, including provisions against abductions (Article 332).

STATUS OF NEW LEGISLATION

The 2002-2007 National Action Plan on anti-trafficking notes that the enactment of a comprehensive anti-trafficking law is an important goal and called for passage of the law by 2004. GOI began research for the law in 2002, completed an initial draft in 2003, and submitted the bill to the House of Representatives (DPR) following presidential endorsement in July 2004. The bill criminalizes all forms of trafficking, provides compensation for victims, and protection for victims, witnesses and others involved in legal proceedings. It also includes stiff penalties for perpetrators and officials involved in trafficking (see below).

In 2004, the DPR passed Law 39/2004 on the protection of migrant workers abroad. The law provides greater regulation of the migrant worker recruiting and placement process. It establishes jail sentences of 2 to 15 years for unlicensed labor recruitment agencies. Over the past year, Jakarta police and Manpower Ministry officials began shutting down some illegal and abusive recruiting agencies,

and arresting their operators using the migrant worker protection law.

OTHER LAWS USED AGAINST TRAFFICKERS

A myriad of other laws exists in Indonesia that the GOI can use to prosecute trafficking-related offenses. These include laws against sexual exploitation, labor exploitation, child labor, abduction, rape, unlawful detention, and immigration offenses. At times, the GOI used these laws in conjunction with anti-trafficking charges to prosecute traffickers.

ICMC/ACILS conducted a review of existing legislation and concluded that, "although (existing laws) can and should be used to act now against those who traffic in people, there are many gaps in the existing legislation."

PENALTIES FOR TRAFFICKING

Under the Criminal Code, Article 297, those "trafficking in females and trafficking in underage males are threatened by a penalty of up to six years in jail." The Child Protection Act, Article 83, provides for a jail sentence of 3 to 15 years, plus fines, for child traffickers. In addition, there are separate sanctions for related crimes against children such as: sexual exploitation (10 years maximum imprisonment plus fine), involving a child in narcotics trade (5 years in jail to life imprisonment, or death penalty, plus fine), and exposure of children to trafficking situations (5 years maximum imprisonment, plus fine).

The anti-trafficking bill, pending before the legislature, provides for jail sentences ranging from 4 to 15 years for trafficking acts. The bill provides for increased sentences for trafficking under certain circumstances, for example: trafficking by parents (increased sentence by one-third); trafficking resulting in serious injury (5 to 20 years); and trafficking resulting in death (life in prison).

PENALTIES FOR RAPE OR FORCIBLE SEXUAL ASSAULT

The Criminal Code, Article 285, stipulates a maximum of 12 years imprisonment for rape committed outside of marriage. Other generally less severe criminal sanctions apply for sexual intercourse with a minor, forcing a person to commit an act of sexual abuse of a minor, facilitating minors to perform acts of obscenity, and other related offenses. The 12-year maximum jail sentence for rape exceeds the 6-year maximum for trafficking under the Criminal Code, but is similar to the 15-year maximum penalty for trafficking of children under the Child Protection Act.

PROSTITUTION NOT LEGAL, BUT WIDESPREAD

As a matter of national law, Indonesia has not legalized prostitution. Indonesia's Penal Code does not explicitly mention prostitution, but the Code's Chapter 14 refers to "crimes against decency/morality," which many within national and local governments interpret to apply to prostitution. Central government officials contacted by the Embassy agreed in their interpretation that the Penal Code renders prostitution illegal. The prostitution of children is clearly illegal under the Penal Code and the 2002 Child Protection Act.

The Penal Code can be used to prosecute the acts of pimps, brothel owners and enforcers on the basis of various crimes, including: using violence or threats of violence to force persons to conduct indecent acts (Article 289, with a maximum penalty of nine years in jail); facilitating

indecent acts (Article 296, with a possible jail term of 16 months); conducting/facilitating public indecency (Article 281); and making profits from the indecent acts of a woman (Article 506, with a possible one-year jail sentence). In practice, authorities rarely pursued such charges against those involved in prostitution.

Clients of child prostitutes can be charged under the Penal Code and the Child Protection Act. In theory, married persons who are clients of prostitutes can be charged for engaging in sexual relations outside of marriage (Penal Code Article 284). In general, police did not arrest and pursue charges against clients of prostitutes.

While contrary to societal and religious norms in Indonesia, the practice of prostitution is widespread and largely tolerated in many areas of the country, particularly when it is not a matter of public display. Although contrary to national interpretations that the Penal Code prohibits prostitution, authorities in some localities have formally or informally regulated prostitution in response to community pressure. Drawing on precedents from the Dutch colonial era, beginning in 1960, some cities and other areas, including eventually Jakarta, Surabaya, and Batam, adopted a policy of "localization" (concentration in a particular locale) for prostitution. Often supported by elements of civil society, "localization" was justified as an attempt to isolate vice and thereby preserve the morals of the wider community, as well as an effort to better monitor the activity and provide health and rehabilitation services. In recent years, some local governments (Jakarta among them) closed down the "localization" areas because of protests from religious groups, a trend that continues.

In November 2005, the city of Tangerang, near Jakarta, passed a public morality ordinance which, in part, forbids persuading or coercing others into acts of prostitution, as well as against acts of physical intimacy in public, such as kissing. Other local governments are considering ordinances against prostitution in the context of broader, and possibly intrusive, regulations of public morality.

According to a media report, in February 2006 the social services agency in Batam announced a plan to issue identification cards to prostitutes, with the stated objective of preventing children from being engaged in prostitution. The plan met with opposition from local legislators and religious leaders, who objected to the measure believing it to constitute legalization of prostitution.

In some areas, including certain locations in Papua, brothel owners registered prostitutes with the police with a view to demonstrating that the prostitutes are not coerced or underage.

Some local governments gained important tax revenues from otherwise legal entertainment businesses, such as karaoke bars, that also offer prostitution. Individual police and other officials also gained illegal income as a result of prostitution. These factors encouraged the tendency to tolerate prostitution, according to observers.

ARREST AND PROSECUTION OF TRAFFICKERS

Update

(See above for update on total investigations, prosecutions and convictions.)

Police and prosecutors often filed charges under multiple laws. Police and Manpower Ministry officials conducted raids on 32 illegal migrant worker holding centers and 6 illegal migrant worker holding centers in Jakarta from

January to June 2006. The raids resulted in the release of 3,438 prospective workers and the arrest of 8 suspects. The police used the 2004 migrant worker protection law as the basis for the arrests. According to GOI officials, the raids targeted unlicensed holding centers some of which forcibly held prospective female workers (adults and some children) under inhumane conditions. However, they did not reflect a change in the GOI's tacit acceptance of debt bondage, which, while not recognized in law, is largely institutionalized in Indonesia's migrant worker system.

East Java Law Enforcement

During 2006, 14 people were arrested for human trafficking in East Java, up from four the previous year. Two of those traffickers, Imam Syaifii and Sumi, from Lumajang, East Java admitted they sold two girls to a brothel in Kalimantan for \$44 each. Seven of the suspected traffickers were arrested and five other investigations with names of suspects were announced during the last two months of 2006. According to police contacts, East Java police are stepping up anti-human trafficking efforts by targeting trafficking rings operating in the province. All suspected traffickers were arrested under the East Java Woman and Child Protection Act, a provincial law passed in 2005, or under the National Overseas Employment Law, protecting overseas bound workers from fraud and abuse.

Seven people in East Java were convicted of human trafficking during 2006 and received prison sentences from 6 months up to 7 years. Two of the cases were notable for instigating local public outcry against human trafficking. Lamretta Situmeang, an East Java attorney, was tried in December 2006 for trafficking 293 people, 41 of the victims to England and France to be employed as commercial sex workers. Activists from the Anti-Trafficking Task Force (ATTF), a civil society group consisting of human rights NGO leaders, local government officials, police and prosecutors, together with the Airlangga University Human Rights Center publicly lodged formal complaints with the police that Situmeang could not have worked alone in such a complex operation. Public pressure forced police to reopen the investigation, looking for accomplices in the crime. Situmeang was recently convicted of fraud under overseas employment laws and received a sentence of only 1 year 3 months in prison. Local anti-trafficking advocates are disappointed with the light sentence.

In Krukah, East Lombok Regency, two 12-year old girls escaped involuntary captivity by an overseas employment agency, which promised them jobs as domestic workers abroad. They reported to police through the Lombok Legal Aid Society that while in captivity they were raped and beaten and that the agents had many other girls. When the police raided the facility they found 55 other girls subject to the same conditions. The perpetrators were arrested, eventually convicted of defrauding the girls' parents of the \$330 placement fees and sentenced to only nine months in prison. The local community responded to the abuses this crime highlighted and the lack of governmental response with indignation and calls for action. The East Lombok Regency parliament passed 27 local regulations during 2006 specifically to protect local residents from human trafficking by overseas employment agents. End update.

The law enforcement data available to the Embassy represents incomplete and imperfect information. Despite

standing instructions from National Police Headquarters, not all police districts reported anti-trafficking statistics and some district reports were incomplete. The national police data collection effort for anti-trafficking statistics remained inadequate and did not demonstrate improvement over the previous year. This also reflects a general weakness in law enforcement data collection, which applies not only to the issue of trafficking in persons.

In addition, police data would not necessarily capture some cases that did not involve trafficking charges, such as cases in which traffickers are charged with rape or abduction instead of trafficking.

Relative to the police, the AGO had even more difficulty in providing anti-trafficking data. AGO attention to data collection on TIP appeared very limited. Central government officials often relied upon contacts with province and district level courts and prosecutors to gather data on legal proceedings against traffickers.

The GOI's difficulties in collecting data are not unique to TIP, but are endemic to the Indonesian Government and have been particularly acute following decentralization. Local authorities are no longer compelled to provide data to central authorities in many instances.

Police and other GOI officials stated that almost all of the convicted traffickers served their sentences in jail, but no details were available.

THOSE BEHIND TRAFFICKING

Many traffickers arrested during this period appeared to be lower level operators and/or members of small crime groups. In a few cases, like that of the Jakarta-based traffickers who sent women to Japan as "cultural entertainers," police appeared to arrest more senior members of trafficking syndicates. Most observers suspected the involvement of larger crime syndicates and international criminal rings, particularly for some overseas trafficking of prostitutes. Large organized crime gangs commonly operated brothels in major prostitution zones, normally with the involvement of individual security force members. Traffickers also took on the form of migrant worker recruiting agencies, both licensed and unlicensed. Marriage brokers were involved in trafficking using false marriages.

Some government officials and individual members of the security forces indirectly or directly assist traffickers, and in some cases themselves fit the definition of traffickers.

No information was available on the channeling of profits from trafficking in persons.

HEFFERN